

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 84

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO EDUCATION; CLARIFYING, CORRECTING AND RECONCILING
SECTIONS OF THE PUBLIC SCHOOL CODE TO COMPLY WITH THE EDUCATION
REFORM OF 2003; DEFINING "TEACHER"; PROVIDING FOR SCREENING,
MONITORING AND DIAGNOSTIC TESTING OF READING FOR KINDERGARTEN
THROUGH GRADE TWO; EXTENDING THE TIME OF A LEVEL ONE LICENSE;
PROVIDING FOR MENTORING FOR LEVEL THREE TEACHERS; CLARIFYING
THAT SCHOOL BOARDS APPROVE ANNUAL BUDGETS; REQUIRING HEALTH
EDUCATION AND PHYSICAL EDUCATION IN CERTAIN GRADES; DECLARING
AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-1-2 NMSA 1978 (being Laws 2003,
Chapter 153, Section 3, as amended) is amended to read:

"22-1-2. DEFINITIONS.--As used in the Public School Code:

A. "adequate yearly progress" means the measure

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1 adopted by the department based on federal requirements to
2 assess the progress that a student, a public school or school
3 district or the state makes toward improving student
4 achievement;

5 B. "commission" means the public education
6 commission;

7 C. "department" means the public education
8 department;

9 D. "forty-day report" means the report of qualified
10 student membership of each school district and of those
11 eligible to be qualified students but enrolled in a private
12 school or a home school for the first forty days of school;

13 E. "home school" means the operation by the parent
14 of a school-age person of a home study program of instruction
15 that provides a basic academic educational program, including
16 reading, language arts, mathematics, social studies and
17 science;

18 F. "instructional support provider" means a person
19 who is employed to support the instructional program of a
20 school district, including educational assistant, school
21 counselor, social worker, school nurse, speech-language
22 pathologist, psychologist, physical therapist, occupational
23 therapist, recreational therapist, interpreter for the deaf and
24 diagnostician;

25 G. "licensed school employee" means teachers,

1 school administrators and instructional support providers;

2 H. "local school board" means the policy-setting
3 body of a school district;

4 I. "local superintendent" means the chief executive
5 officer of a school district;

6 J. "parent" includes a guardian or other person
7 having custody and control of a school-age person;

8 K. "private school" means a school, other than a
9 home school, that offers on-site programs of instruction and
10 that is not under the control, supervision or management of a
11 local school board;

12 L. "public school" means that part of a school
13 district that is a single attendance center in which
14 instruction is offered by one or more teachers and is
15 discernible as a building or group of buildings generally
16 recognized as either an elementary, middle, junior high or high
17 school or any combination of those and includes a charter
18 school;

19 M. "school" means a supervised program of
20 instruction designed to educate a student in a particular
21 place, manner and subject area;

22 N. "school administrator" means a person licensed
23 to administer in a school district and includes school
24 principals and central district administrators;

25 O. "school-age person" means a person who is at

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1 least five years of age prior to 12:01 a.m. on September 1 of
2 the school year and who has not received a high school diploma
3 or its equivalent. A maximum age of twenty-one shall be used
4 for a person who is classified as special education membership
5 as defined in Section [~~22-8-2~~] 22-8-21 NMSA 1978 or as a
6 resident of a state institution;

7 P. "school building" means a public school, an
8 administration building and related school structures or
9 facilities, including teacher housing, that is owned, acquired
10 or constructed by the school district as necessary to carry out
11 the functions of the school district;

12 Q. "school bus private owner" means a person, other
13 than a school district, the department, the state or any other
14 political subdivision of the state, that owns a school bus;

15 R. "school district" means an area of land
16 established as a political subdivision of the state for the
17 administration of public schools and segregated geographically
18 for taxation and bonding purposes;

19 S. "school employee" includes licensed and
20 nonlicensed employees of a school district;

21 T. "school principal" means the chief instructional
22 leader and administrative head of a public school;

23 U. "school year" means the total number of contract
24 days offered by public schools in a school district during a
25 period of twelve consecutive months;

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1 V. "secretary" means the secretary of public
2 education;

3 W. "state agency" or "state institution" means the
4 New Mexico military institute, New Mexico school for the
5 ~~[visually handicapped]~~ blind and visually impaired, New Mexico
6 school for the deaf, New Mexico boys' school, girls' welfare
7 home, New Mexico youth diagnostic and development center,
8 Sequoyah adolescent treatment center, Carrie Tingley crippled
9 children's hospital, Las Vegas medical center and any other
10 state agency responsible for educating resident children;

11 X. "state educational institution" means an
12 institution enumerated in Article 12, Section 11 of the
13 constitution of New Mexico;

14 Y. "substitute teacher" means a person who holds a
15 certificate to substitute for a teacher in the classroom;

16 Z. "teacher" means a person who holds a level one,
17 two or three-A license and whose primary duty is classroom
18 instruction or the supervision, below the school principal
19 level, of an instructional program or whose duties include
20 curriculum development, peer intervention, peer coaching or
21 mentoring or serving as a resource teacher for other teachers;

22 AA. "certified school instructor" means a teacher
23 or instructional support provider; and

24 BB. "certified school employee" or "certified
25 school personnel" means a licensed school employee."

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1 Section 2. Section 22-2C-3 NMSA 1978 (being Laws 2003,
2 Chapter 153, Section 12) is amended to read:

3 "22-2C-3. ACADEMIC CONTENT AND PERFORMANCE STANDARDS--
4 [~~STATE BOARD~~] DEPARTMENT POWERS AND DUTIES.--

5 A. The [~~state board~~] department shall adopt
6 academic content and performance standards for grades [~~one~~]
7 three through twelve in the following areas:

- 8 (1) mathematics;
- 9 (2) reading and language arts;
- 10 (3) science; and
- 11 (4) social studies.

12 B. The [~~state board~~] department may adopt content
13 and performance standards in other subject areas.

14 C. Academic content and performance standards shall
15 be sufficiently academically challenging to meet or exceed
16 federal requirements.

17 D. The department shall measure the performance of
18 every public school in New Mexico. Public schools achieving
19 the greatest improvement in adequate yearly progress shall be
20 eligible for supplemental incentive funding. The [~~state board~~]
21 department shall establish the corrective actions and
22 interventions necessary for public schools that do not achieve
23 adequate yearly progress."

24 Section 3. Section 22-2C-4 NMSA 1978 (being Laws 2003,
25 Chapter 153, Section 13, as amended) is amended to read:

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1 "22-2C-4. STATEWIDE ASSESSMENT AND ACCOUNTABILITY
 2 SYSTEM--INDICATORS--REQUIRED TESTS--ALTERNATIVE TESTS--LIMITS
 3 ON ALTERNATIVES TO ENGLISH LANGUAGE READING TEST.--

4 A. The department shall establish a statewide
 5 assessment and accountability system that is aligned with the
 6 state academic content and performance standards and that
 7 measures adequate yearly progress for each student, public
 8 school and school district. Adequate yearly progress shall be
 9 determined primarily by student academic achievement, as
 10 demonstrated by statewide standards-based academic performance
 11 tests; however, the department may include other indicators of
 12 adequate yearly progress, including graduation rates for high
 13 schools and attendance for elementary and middle schools.

14 B. The academic assessment program for adequate
 15 yearly progress shall test student achievement as follows by
 16 the school year indicated:

17 ~~[(1) for grades kindergarten through two,~~
 18 ~~diagnostic and standards-based tests on reading that include~~
 19 ~~phonemic awareness, phonics and comprehension by the~~
 20 ~~2003-2004 school year;~~

21 ~~(2)]~~ (1) for grades three through nine and for
 22 grade eleven, standards-based academic performance tests in
 23 mathematics, reading and language arts and social studies by
 24 the 2005-2006 school year; provided that testing in ninth grade
 25 and testing in social studies shall not occur until the

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1 legislature has provided funding for test development and
2 implementation;

3 ~~[(3)]~~ (2) for grades three through nine,
4 standards-based academic performance writing assessment with
5 the writing assessment scoring criteria applied to the extended
6 response writing portions of the language arts criterion-
7 referenced tests by the 2005-2006 school year; and

8 ~~[(4)]~~ (3) for one of grades three through five
9 and six through nine and for grade eleven, standards-based
10 academic performance tests in science by the 2007-2008 school
11 year.

12 C. The department shall involve appropriate
13 licensed school employees in the development of the standards-
14 based academic performance tests.

15 D. All students shall participate in the academic
16 assessment program. The department shall adopt standards for
17 reasonable accommodations in academic testing for students with
18 disabilities and limited English proficiency, including when
19 and how accommodations may be applied. The legislative
20 education study committee shall review the standards prior to
21 adoption by the department.

22 E. Students who have been determined to be limited
23 English proficient may be allowed to take the standards-based
24 academic performance test in their primary language. A student
25 who has attended school for three consecutive years in the

1 United States shall participate in the English language reading
2 test unless granted a waiver by the department based on
3 criteria established by the department. An English language
4 reading test waiver may be granted only for a maximum of two
5 additional years and only on a case-by-case basis."

6 Section 4. Section 22-5-4 NMSA 1978 (being Laws 1967,
7 Chapter 16, Section 28, as amended) is amended to read:

8 "22-5-4. LOCAL SCHOOL BOARDS--POWERS--DUTIES.--A local
9 school board shall have the following powers or duties:

10 A. subject to the rules of the department, develop
11 educational policies for the school district;

12 B. employ a local superintendent for the school
13 district and fix [~~his~~] the superintendent's salary;

14 C. review and approve the annual school district
15 budget;

16 D. acquire, lease and dispose of property;

17 E. have the capacity to sue and be sued;

18 F. acquire property by eminent domain pursuant to
19 the procedures provided in the Eminent Domain Code;

20 G. issue general obligation bonds of the school
21 district;

22 H. provide for the repair of and maintain all
23 property belonging to the school district;

24 I. for good cause and upon order of the district
25 court, subpoena witnesses and documents in connection with a

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1 hearing concerning any powers or duties of the local school
2 board;

3 J. except for expenditures for salaries, contract
4 for the expenditure of money according to the provisions of the
5 Procurement Code;

6 K. adopt rules pertaining to the administration of
7 all powers or duties of the local school board;

8 L. accept or reject any charitable gift, grant,
9 devise or bequest. The particular gift, grant, devise or
10 bequest accepted shall be considered an asset of the school
11 district or the public school to which it is given;

12 M. offer and, upon compliance with the conditions
13 of such offer, pay rewards for information leading to the
14 arrest and conviction or other appropriate disciplinary
15 disposition by the courts or juvenile authorities of offenders
16 in case of theft, defacement or destruction of school district
17 property. All such rewards shall be paid from school district
18 funds in accordance with rules promulgated by the department;
19 and

20 N. give prior approval for any educational program
21 in a public school in the school district that is to be
22 conducted, sponsored, carried on or caused to be carried on by
23 a private organization or agency."

24 Section 5. Section 22-10A-4 NMSA 1978 (being Laws 2003,
25 Chapter 153, Section 35) is amended to read:

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1 "22-10A-4. TEACHERS AND SCHOOL ADMINISTRATORS--
2 PROFESSIONAL STATUS--LICENSURE LEVELS--SALARY ALIGNMENT.--

3 A. Teaching and school administration are
4 recognized as professions, with all the rights,
5 responsibilities and privileges accorded professions, having
6 their first responsibility to the public they serve. The
7 primary responsibilities of the teaching and school
8 administration professions are to educate the children of this
9 state and to improve the professional practices and ethical
10 conduct of their members.

11 B. The New Mexico licensure framework for teachers
12 and school administrators is a progressive career system in
13 which licensees are required to demonstrate increased
14 competencies and undertake increased duties as they progress
15 through the licensure levels. The minimum salary provided as
16 part of the career system shall not take effect until the
17 [~~state board~~] department has adopted increased competencies for
18 the particular level of licensure and a highly objective
19 uniform statewide standard of evaluation.

20 C. A level one license is a provisional license
21 [~~issued for the first three years of teaching~~] that gives a
22 beginning teacher the opportunity, through a formal mentorship
23 program, for additional preparation to be a quality teacher. A
24 level two license is given to a teacher who is a fully
25 qualified professional who is primarily responsible for

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1 ensuring that students meet and exceed [~~state board-adopted~~]
2 department-adopted academic content and performance standards;
3 a teacher may choose to remain at level two for the remainder
4 of [~~his~~] the teacher's career. A level three-A license is the
5 highest level of teaching licensure for those teachers who
6 choose to advance as instructional leaders in the teaching
7 profession and undertake greater responsibilities such as
8 curriculum development, peer intervention and mentoring. A
9 level three-B license is for teachers who commence a new career
10 path in school administration by becoming school
11 administrators.

12 D. All teacher and school administrator salary
13 systems shall be aligned with the licensure framework in a
14 professional educator licensing and salary system.

15 E. All teachers and school administrators who hold
16 teaching or administrator certificates on the effective date of
17 [~~this~~] the 2003 act shall meet the requirements for their level
18 of licensure by September 1, 2006 and shall be issued
19 licenses."

20 Section 6. Section 22-10A-7 NMSA 1978 (being Laws 2003,
21 Chapter 153, Section 38) is amended to read:

22 "22-10A-7. LEVEL ONE LICENSURE.--

23 A. A level one license is a provisional
24 [~~three-year~~] five-year license for beginning teachers that
25 requires as a condition of licensure that the licensee undergo

1 a formal mentorship program and an annual intensive performance
 2 evaluation by a school administrator for at least three full
 3 school years before applying for a level two license.

4 B. Each school district, in accordance with [~~state~~
 5 ~~board~~] department rules, shall provide for the mentorship and
 6 evaluation of level one teachers. At the end of each year and
 7 at the end of the license period, the level one teacher shall
 8 be evaluated for competency. If the teacher fails to
 9 demonstrate satisfactory progress and competence annually, the
 10 teacher may be terminated as provided in Section 22-10A-24 NMSA
 11 1978. If the teacher has not demonstrated satisfactory
 12 progress and competence by the end of the [~~three-year~~]
 13 five-year period, [~~he~~] the teacher shall not be granted a level
 14 two license.

15 C. Except in exigent circumstances defined by
 16 [~~state board~~] department rule, a level one license shall not be
 17 extended beyond the initial period.

18 D. The department shall issue a standard level one
 19 license to an applicant who is at least eighteen years of age
 20 who:

21 (1) holds a baccalaureate degree from an
 22 accredited educational institution;

23 (2) has successfully completed a [~~state board-~~
 24 ~~approved~~] department-approved teacher preparation program from
 25 a nationally accredited or state-approved educational

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1 institution;

2 (3) has passed the New Mexico teacher
3 assessments examination; and

4 (4) meets other qualifications for level one
5 licensure, including clearance of the required background
6 check.

7 E. The department shall issue an alternative level
8 one license to an applicant who meets the requirements of
9 Section 22-10A-8 NMSA 1978.

10 F. The ~~[state board]~~ department shall establish
11 competencies and qualifications for specific grade levels,
12 types and subject areas of level one licensure, including early
13 childhood, elementary, middle school, secondary, special
14 education and vocational education.

15 G. Beginning with the 2003-2004 school year, with
16 the adoption by the ~~[state board]~~ department of a highly
17 objective uniform statewide standard of evaluation for level
18 one teachers, the minimum salary for a level one teacher shall
19 be thirty thousand dollars (\$30,000) for a standard nine and
20 one-half month contract.

21 H. Teachers who hold level one licenses on the
22 effective date of ~~[this]~~ the 2003 act must be evaluated by the
23 end of the 2006-2007 school year."

24 Section 7. Section 22-10A-9 NMSA 1978 (being Laws 2003,
25 Chapter 153, Section 40) is amended to read:

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1 "22-10A-9. TEACHER MENTORSHIP PROGRAM FOR LEVEL ONE
2 TEACHERS--PURPOSE--[STATE BOARD DUTIES] DEPARTMENT DUTIES.--

3 A. The purpose of the teacher mentorship program is
4 to provide beginning teachers with an effective transition into
5 the teaching field, to build on their initial preparation and
6 to ensure their success in teaching; to improve the achievement
7 of students; and to retain capable teachers in the classroom
8 and to remove teachers who show little promise of success.

9 B. The department shall develop a framework for a
10 teacher mentorship program for all level one teachers. The
11 [~~state board~~] department shall work with licensed school
12 employees, representatives from teacher preparation programs
13 and the commission on higher education to establish the
14 framework.

15 C. The framework shall include:

16 (1) individual support and assistance for each
17 beginning teacher from a designated mentor;

18 (2) structured training for mentors;

19 (3) an ongoing, formative evaluation that is
20 used for the improvement of teaching practice;

21 (4) procedures for a summative evaluation of
22 beginning teachers' performance during at least the first three
23 years of teaching, including annual assessment of suitability
24 for license renewal, and for final assessment of beginning
25 teachers seeking level two licensure;

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1 (5) support from local school boards, school
2 administrators and other school district personnel; and

3 (6) regular review and evaluation of the
4 teacher mentorship program.

5 D. The department shall:

6 (1) require submission and approval of each
7 school district's teacher mentorship program;

8 (2) provide technical assistance to school
9 districts that do not have a well-developed teacher mentorship
10 program in place; and

11 (3) encourage school districts to collaborate
12 with teacher preparation program administrators at institutions
13 of higher education, career educators, educational
14 organizations, regional service centers and other state and
15 community leaders in the teacher mentorship program."

16 Section 8. Section 22-10A-10 NMSA 1978 (being Laws 2003,
17 Chapter 153, Section 41) is amended to read:

18 "22-10A-10. LEVEL TWO LICENSURE.--

19 A. A level two license is a nine-year license
20 granted to a teacher who meets the qualifications for that
21 level and who annually demonstrates essential competency to
22 teach. If a level two teacher does not demonstrate essential
23 competency in a given school year, the school district shall
24 provide the teacher with additional professional development
25 and peer intervention during the following school year. If by

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1 the end of that school year the teacher fails to demonstrate
 2 essential competency, a school district may choose not to
 3 contract with the teacher to teach in the classroom.

4 B. The department shall issue a level two license
 5 to an applicant who successfully completes the [~~three-year~~]
 6 level one license or is granted reciprocity as provided by
 7 [~~state board~~] department rules; demonstrates essential
 8 competency required by the [~~state board~~] department as verified
 9 by the local superintendent through the highly objective
 10 uniform statewide standard of evaluation; and meets other
 11 qualifications as required by the [~~state board~~] department.

12 C. The department shall provide for qualifications
 13 for specific grade levels, types and subject areas of level two
 14 licensure, including early childhood, elementary, middle,
 15 secondary, special education and vocational education.

16 D. With the adoption by the [~~state board~~]
 17 department of the statewide objective performance evaluation
 18 for level two teachers, the minimum salary for a level two
 19 teacher for a standard nine and one-half month contract shall
 20 be as follows:

- 21 (1) for the 2003-2004 school year, thirty
 22 thousand dollars (\$30,000);
 23 (2) for the 2004-2005 school year, thirty-five
 24 thousand dollars (\$35,000); and
 25 (3) for the 2005-2006 school year, forty

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1 thousand dollars (\$40,000)."

2 Section 9. Section 22-10A-11 NMSA 1978 (being Laws 2003,
3 Chapter 153, Section 42) is amended to read:

4 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS
5 AND SCHOOL ADMINISTRATORS.--

6 A. A level three-A license is a nine-year license
7 granted to a teacher who meets the qualifications for that
8 level and who annually demonstrates instructional leader
9 competencies. If a level three-A teacher does not demonstrate
10 essential competency in a given school year, the school
11 district shall provide the teacher with additional professional
12 development and peer intervention during the following school
13 year. If by the end of that school year the teacher fails to
14 demonstrate essential competency, a school district may choose
15 not to contract with the teacher to teach in the classroom.

16 B. The department shall grant a level three-A
17 license to an applicant who has been a level two teacher for at
18 least three years and holds a post-baccalaureate degree or
19 national board for professional teaching standards
20 certification; demonstrates instructional leader competence as
21 required by the [~~state board~~] department and verified by the
22 local superintendent through the highly objective uniform
23 statewide standard of evaluation; and meets other
24 qualifications for the license.

25 C. With the adoption by the [~~state board~~]

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1 department of a highly objective uniform statewide standard of
2 evaluation for level three-A teachers, the minimum salary for a
3 level three-A teacher for a standard nine and one-half month
4 contract shall be as follows:

5 (1) for the 2003-2004 school year, thirty
6 thousand dollars (\$30,000);

7 (2) for the 2004-2005 school year, thirty-five
8 thousand dollars (\$35,000);

9 (3) for the 2005-2006 school year, forty
10 thousand dollars (\$40,000);

11 (4) for the 2006-2007 school year, forty-five
12 thousand dollars (\$45,000); and

13 (5) for the 2007-2008 school year, fifty
14 thousand dollars (\$50,000).

15 D. A level three-B license is a nine-year license
16 granted to a school administrator who meets the qualifications
17 for that level. Licenses may be renewed upon satisfactory
18 annual demonstration of instructional leader and administrative
19 competency.

20 E. The department shall grant a level three-B
21 license to an applicant who has been a level three-A
22 instructional leader for at least one year, has satisfactorily
23 completed [~~state board-approved~~] department-approved courses in
24 administration and a [~~state board-approved~~] department-approved
25 administration apprenticeship program and demonstrates

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1 instructional leader competence required by the [~~state board~~]
2 department and verified by the local superintendent through the
3 highly objective uniform statewide standard of evaluation.

4 F. Beginning with the 2005-2006 school year, the
5 standard contract and minimum annual salary for a level three-B
6 school principal shall be based on the size of the school in
7 which the school principal is employed, as follows:

8 (1) for school principals of schools with two
9 hundred or fewer students, a minimum salary of fifty-eight
10 thousand dollars (\$58,000) for a standard ten-month contract;

11 (2) for school principals of schools with two
12 hundred one to four hundred students, a minimum salary of sixty
13 thousand dollars (\$60,000) for a standard ten-month contract;

14 (3) for school principals of schools with four
15 hundred one to six hundred students, a minimum salary of sixty-
16 two thousand dollars (\$62,000) for a standard ten-month
17 contract;

18 (4) for school principals of schools with six
19 hundred one to eight hundred students, a minimum salary of
20 sixty-four thousand dollars (\$64,000) for a standard ten-month
21 contract;

22 (5) for school principals of schools with
23 eight hundred one to one thousand students, a minimum salary of
24 sixty-six thousand dollars (\$66,000) for a standard ten-month
25 contract; and

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1 (6) for school principals of schools with more
 2 than one thousand students, a minimum salary of sixty-eight
 3 thousand dollars (\$68,000) for a standard ten-month contract."

4 Section 10. Section 22-13-1 NMSA 1978 (being Laws 2003,
 5 Chapter 153, Section 57) is amended to read:

6 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
 7 REQUIRED--ACCREDITATION.--

8 A. The [~~state board~~] department shall require
 9 public schools to address [~~state board approved~~] department-
 10 approved academic content and performance standards when
 11 instructing in specific [~~state board required~~] department-
 12 required subject areas as provided in this section. A public
 13 school or school district failing to meet these minimum
 14 requirements shall not be accredited by the [~~state board~~]
 15 department.

16 B. All [~~first, second and~~] kindergarten through
 17 third grade classes shall provide daily instruction in reading
 18 and language arts skills, including phonemic awareness, phonics
 19 and comprehension, and in mathematics. Students in
 20 kindergarten and first grades shall be screened and monitored
 21 for progress in reading and language arts skills and students
 22 in second grade shall take diagnostic tests on reading and
 23 language arts skills.

24 C. All first, second and third grade classes shall
 25 provide instruction in art, music, [~~and~~] a language other than

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1 English and instruction that meets content and performance
2 standards shall be provided in physical education and health
3 education.

4 D. In fourth through eighth grades, instruction
5 that meets academic content and performance standards shall be
6 provided in the following subject areas:

- 7 (1) reading and language arts skills, with an
8 emphasis on writing and editing for at least one year and an
9 emphasis on grammar and writing for at least one year;
- 10 (2) mathematics;
- 11 (3) language other than English;
- 12 (4) communication skills;
- 13 (5) science;
- 14 (6) art;
- 15 (7) music;
- 16 (8) social studies;
- 17 (9) New Mexico history;
- 18 (10) United States history;
- 19 (11) geography; [~~and~~]
- 20 (12) physical [~~fitness~~] education; and
- 21 (13) health education.

22 E. In fourth through eighth grades, school
23 districts shall offer electives that contribute to academic
24 growth and skill development and provide career and technical
25 education.

1 F. In ninth through twelfth grades, instruction
 2 that meets academic content and performance standards shall be
 3 provided in health education."

4 Section 11. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
 5 Chapter 33, Section 5, as amended) is amended to read:

6 "22-13-1.1. GRADUATION REQUIREMENTS.--

7 A. At the end of grades eight through eleven, each
 8 student shall prepare an interim next-step plan that sets forth
 9 the coursework for the grades remaining until high school
 10 graduation. Each year's plan shall explain any differences
 11 from previous interim next-step plans, shall be filed with the
 12 principal of the student's high school and shall be signed by
 13 the student, the student's parent [~~or guardian~~] and the
 14 student's guidance counselor or other school official charged
 15 with coursework planning for the student.

16 B. Each student must complete a final next-step
 17 plan during the senior year and prior to graduation. The plan
 18 shall be filed with the principal of the student's high school
 19 and shall be signed by the student, the student's parent [~~or~~
 20 ~~guardian~~] and the student's guidance counselor or other school
 21 official charged with coursework planning for the student.

22 C. An individualized education program that meets
 23 the requirements of Subsections A and B of this section and
 24 that meets all applicable transition and procedural
 25 requirements of the federal Individuals with Disabilities

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1 Education Act for a student with a disability shall satisfy the
2 next-step plan requirements of this section for that student.

3 D. A local school board shall ensure that each high
4 school student has the opportunity to develop a next-step plan
5 and is reasonably informed about:

- 6 (1) curricular and course options;
- 7 (2) opportunities available that lead to
8 different post-high-school options; and
- 9 (3) alternative opportunities available if the
10 student does not finish a planned curriculum.

11 E. The secretary [~~of public education~~] shall:

12 (1) establish specific accountability
13 standards for administrators, counselors, teachers and school
14 district staff to ensure that every student has the opportunity
15 to develop a next-step plan;

16 (2) promulgate rules for accredited private
17 schools in order to ensure substantial compliance with the
18 provisions of this section;

19 (3) monitor compliance with the requirements
20 of this section; and

21 (4) compile such information as is necessary
22 to evaluate the success of next-step plans and report annually,
23 by December 15, to the legislative education study committee
24 and the governor.

25 F. Successful completion of a minimum of twenty-

1 three units aligned to the state academic content and
2 performance standards shall be required for graduation. These
3 units shall be as follows:

4 (1) four units in English, with major emphasis
5 on grammar and literature;

6 (2) three units in mathematics, at least one
7 of which is equivalent to the algebra 1 level or higher;

8 (3) two units in science, one of which shall
9 have a laboratory component; provided, however, that with
10 students entering the ninth grade beginning in the 2005-2006
11 school year, three units in science shall be required, one of
12 which shall have a laboratory component;

13 (4) three units in social science, which shall
14 include United States history and geography, world history and
15 geography and government and economics;

16 (5) one unit in physical education [~~or other~~
17 ~~physical activity~~];

18 (6) one unit in communication skills or
19 business education, with a major emphasis on writing and
20 speaking and that may include a language other than English;
21 and

22 (7) nine elective units and eight elective
23 units for students entering the ninth grade in the 2005-2006
24 school year that meet [~~state board~~] department content and
25 performance standards. Student service learning shall be

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1 offered as an elective.

2 G. The department shall establish a procedure for
3 students to be awarded credit through completion of specified
4 career technical education courses for certain graduation
5 requirements.

6 H. Final examinations shall be administered to all
7 students in all classes offered for credit.

8 I. A student shall not receive a high school
9 diploma who has not passed a state graduation examination in
10 the subject areas of reading, English, ~~[math]~~ mathematics,
11 writing, science and social science. The state graduation
12 examination on social science shall include a section on the
13 constitution of the United States and the constitution of New
14 Mexico. If a student exits from the school system at the end
15 of grade twelve without having passed a state graduation
16 examination, ~~[he]~~ the student shall receive an appropriate
17 state certificate indicating the number of credits earned and
18 the grade completed. If within five years after a student
19 exits from the school system ~~[he]~~ the student takes and passes
20 the state graduation examination, ~~[he]~~ the student may receive
21 a high school diploma.

22 J. As used in this section:

23 (1) "final next-step plan" means a next-step
24 plan that shows that the student has committed or intends to
25 commit in the near future to a four-year college or university,

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1 a two-year college, a trade or vocational program, an
2 internship or apprenticeship, military service or a job;

3 (2) "interim next-step plan" means an annual
4 next-step plan in which the student specifies post-high-school
5 goals and sets forth the coursework that will allow the student
6 to achieve those goals; and

7 (3) "next-step plan" means an annual personal
8 written plan of studies developed by a student in a public
9 school or other state-supported school or institution in
10 consultation with the student's parent [~~or guardian~~] and school
11 counselor or other school official charged with coursework
12 planning for the student.

13 K. The secretary [~~of public education~~] may
14 establish a policy to provide for administrative
15 interpretations to clarify curricular and testing provisions of
16 the Public School Code."

17 Section 12. EMERGENCY.--It is necessary for the public
18 peace, health and safety that this act take effect immediately.